THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21861 of 2001

Dated:03.11.2006

Between
M.Maria Dass

.....Petitioner

and

1.The District Collector &
Chairman, Irrigation
Advisory Committee,
Kurnool District, Kurnool and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21861 of 2001

ORDER:

This writ petition is filed seeking to declare the action of the 2nd and 3rd respondents and their subordinate officers in preventing and threatening the petitioner and other small farmers from using water to their lands to an extent of Ac.104.12 cents in Ramadurgam village, Chippagiri Mandal, Kurnool District for the irrigation of dry crops, as illegal and arbitrary.

The grievance of the petitioner is that though the Irrigation Advisory Board, Kurnool in its meeting held on 10.1.2000 resolved under item No.5 that Ac.104.12 cents of land located near Ramadurgam village shall be allowed to cultivate by drawing water from Alur Branch 9/B Distributory Canal and in spite of such resolution, 2nd and 3rd respondents

are preventing the petitioner and others from using the said source and threatening to file criminal cases against them.

A detailed counter affidavit has been filed by the 3rd respondent-Executive Engineer, Guntakal Branch canal Division, Guntakal, Anantapur District. At paragraph No. 6 of the counter, it is stated that the original ayacut under the 9 (B) Distributory, as per the proposals, was 415.77 acres. However, an extent of 104.12 acres was declared as “Anti Malaria Zone” in the year 1994 and was deleted from the ayacut. Subsequently, the deleted area of 104.12 acres was again included in the ayacut of 9 (b) Distributory after approval by the Irrigation Advisory Board on 23.12.1999. Since then the water is in fact being supplied to the entire ayacut under the 9 (B) Distributory (415.77 acres including the 104.12 acres zone) during the khariff season for raising of ID crops. Therefore, the allegation of the petitioners that due to pressure from the local leaders, respondents are causing inconvenience

and hardship to the farmers and not supplying the water is absolutely false. Further, respondents never threatened the ryots saying that criminal cases would be booked by recording the above statement.

In the facts and circumstances of the case, it is suffice to direct the respondents not to interfere with the irrigation activities of the petitioners.

Writ petition is disposed of accordingly. No costs.

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03.11.2006

rkk